

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

646S0084

HOUSE BILL NO. 1038

Introduced by: The Committee on Judiciary at the request of the Chief Justice

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning certain fees for the
2 electronic transmission of court records.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 16-2-29 be amended to read as follows:

5 16-2-29. The clerk of courts shall charge and collect the following fees:

6 (1) For the probate of an estate, seventy-five dollars;

7 (2) For all service connected with the preparation and transmission of a settled record to
8 the Supreme Court, including the remittitur from the Supreme Court, fifty dollars;

9 (3) For any of the following, twenty-five dollars:

10 (a) Civil cases filed for jury or court trial;

11 (b) Guardianship or conservatorship actions, adoption cases, termination of life
12 estates;

13 (c) Cases to determine amount of inheritance tax in estates in which real and
14 personal property is transferred in contemplation of death;

15 (d) Default actions to quiet title to real property;



- 1 (e) Default cases involving garnishment proceedings;
- 2 (f) Dissolutions of corporations;
- 3 (g) Foreclosure actions;
- 4 (h) Special administration proceedings;
- 5 (i) Summary administration proceedings;
- 6 (j) Appeals to the circuit court from an action of a political subdivision of the
- 7 state or from an action of the state or its officers, boards, agencies, and
- 8 commissions; or
- 9 (k) All matters not otherwise provided for in this section;
- 10 (4) For any of the following, fifty dollars:
 - 11 (a) Petitions and motions to modify final child support orders, except if the
 - 12 petitioner or moving party is a recipient of assistance benefits pursuant to Title
 - 13 28;
 - 14 (b) Petitions and motions to modify final child custody orders;
 - 15 (c) Petitions and motions to modify final visitation orders;
 - 16 (d) Petitions and motions to modify final spousal support orders;
- 17 (5) For any of the following, five dollars:
 - 18 (a) Issuing a transcript of a judgment;
 - 19 (b) Filing and docketing a transcript of a judgment;
 - 20 (c) Issuing and docketing an execution, commission, or writ;
 - 21 (d) Filing a special execution; or
 - 22 (e) Renewing a judgment according to § 15-16-33;
- 23 (6) For any of the following, two dollars:
 - 24 (a) Reproducing an authenticated, exemplified, or double certificate of a record

1 on file in the clerk's office;

2 (b) Certifying a document not excepted by subdivision (7) of this section;

3 (c) Issuing a subpoena in a civil case; or

4 (d) Safekeeping or filing of a will;

5 (7) All true and correct copies of any original record or paper furnished by the attorney
6 of record or the personal representative qualified to act in any of the following cases
7 which are necessary for the completion of the case shall be certified at no extra
8 charge for the certification:

9 (a) Guardianship or conservatorship actions, adoption cases, termination of life
10 estates, trusts, probate actions;

11 (b) Cases to determine amount of inheritance tax in estates in which real and
12 personal property is transferred in contemplation of death; and

13 (c) Divorce actions;

14 (8) For a facsimile or electronic mail transmission of any opinion, record, or paper from
15 an active or inactive file in the clerk's custody, one dollar per page, but the minimum
16 charge is five dollars. Fees collected pursuant to this subdivision shall be deposited
17 into the unified judicial system court automation fund.

18 No fee for filing, docketing, issuing, recording, certifying, or searching, or other fee or
19 commission, may be required of the state, any foreign state, or the federal government, or its
20 officers, boards, agencies, and commissions, or its political subdivisions, in any action or
21 proceeding commenced by the state or a political subdivision. In addition, no fee for record
22 searches may be required of any agency of the federal government which is charged with law
23 enforcement or investigatory duties under federal law.

24 No filing fee may be required in any action under § 25-10-3, 25-10-6, 22-19A-8, or 22-19A-

1 12.

2 Section 2. That § 16-2-29.1 be amended to read as follows:

3 16-2-29.1. ~~It shall be the duty of the~~ The clerk of the Supreme Court ~~to~~ shall charge the
4 following fees and shall collect ~~the same~~ them in advance:

5 (1) For each action or proceeding originally commenced in or brought to the Supreme
6 Court by appeal, to be advanced by the party commencing or bringing such action or
7 proceeding, fifty dollars;

8 (2) For each certificate of admission to practice as an attorney and counselor at law, ten
9 dollars;

10 (3) For each copy of any opinion, record or paper from an active file in the clerk's custody,
11 fifty cents per page, provided, however, that the minimum charge shall be two dollars;

12 (4) For each copy of any opinion, record or paper from an inactive file in the clerk's
13 custody, fifty cents per page, provided, however, that the minimum charge shall be five
14 dollars;

15 (5) For facsimile or electronic mail transmission of any opinion, record or paper from an
16 active or inactive file in the clerk's custody, one dollar per page, provided, however,
17 that the minimum charge shall be five dollars.

18 No fee ~~shall~~ may be required under the provisions of this section in habeas corpus proceedings
19 or in actions or proceedings or appeals brought by the state or agencies thereof, including
20 political subdivisions, or public officials acting on the behalf of any of them.